

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-8 have been examined. Claims 1-13 are all the claims pending in the application.

Formal matters

Applicant thanks the Examiner for reviewing and initialing the documents in the Information Disclosure Statements submitted on October 31, 2003, December 20, 2004 and May 5, 2006.

Applicant notes, however, that the Examiner has not acknowledged receipt of the certified copy of the priority document submitted on October 31, 2003. Applicant notes that the priority document was acknowledged as received by the PTO on the Request for Early Notification of Serial Number card. Therefore, Applicant respectfully requests the Examiner to acknowledge receipt of the priority document at the next Office Action.

Drawing objection

The Examiner has objected to the drawings because allegedly the reference designator 'a' shown in Fig. 2A is not present in the specification. However, Applicant respectfully notes that 'a' refers to the portion of Fig. 2A that is illustrated in Fig. 2B, as indicated at page 8, lines 13-17 of the specification. Accordingly, Applicant respectfully requests the Examiner to remove the objection to the drawings and accept the drawings as filed on October 31, 2003 on the next action.

Claim rejections

Claims 1, 3, and 5 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by the article “Validation of a 3D Optoelectronic Motion Analysis System for the Wrist Joint” by C. Small et al. (hereinafter “Small”). Claims 2, 4, and 6 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Small in view of U.S. Patent Application Publication No. 2002/0076091 to Wang. Claim 7 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Small in view of U.S. Patent No. 5,732,149 to Kido et al (“Kido”). Claim 8 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Small in view of Wang, in further view of Kido.

Applicant herein has amended claim 1 to incorporate the features of claim 2, and has changed the dependencies of the remaining claims accordingly.

With respect to amended claim 1, this claim recites the feature of an automatic diagnosis unit for outputting information based on the characteristic quantity measured by the characteristic-quantity calculation unit. The Examiner acknowledges that Small does not teach this feature, but cites the abnormal feature extraction sub-stage 51 described at paragraph 21 of Wang as allegedly curing this deficiency. However, Applicant respectfully disagrees with the Examiner’s position.

Applicant notes that Small is concerned with test measurements, and verifying the accuracy and correlation among various measurement methods. (see Small, “Objective” section of Abstract). Small thus does not consider issues of diagnosis.

By contrast, Wang is concerned with assessing probabilities of suspected abnormalities, and specifically displaying a numerical value representing the probability with various feature markers. See, e.g., paragraph 12. Applicant respectfully submits that merely because a feature extraction sub-stage may be known in the art does not provide a rationale for modifying Small’s experimental correlation of various measurements. Small provides no indication of how a Euler angle, which the Examiner asserts corresponds to the claimed characteristic quantity, would be used to produce any probability for diagnosis. Accordingly, absent some rationale for modifying the test experiment described by Small to incorporate diagnostic output information, the Examiner has failed to establish a prima facie case of obviousness.

Since neither Wang nor Small, standing alone, teach all the features of claim 2, claim 2 is patentable. The remaining claims are patentable based on their respective dependencies.

Claim 7 depends ultimately from claim 1 which has been shown above to be patentable over Small. Kido does not cure the deficiencies of Small. Therefore, claim 7 is patentable over the Small and Kido combination for this reason.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Small in view of Wang, in further view of Kido. Claim 8 depends ultimately from claim 1 which has been shown above to be patentable. Kido does not cure the deficiencies of Small and/or

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Wang Therefore, claim 8 is patentable over the Small, Wang, and Kido combination for this reason.

New claims

Applicant herein adds new claims 8-13 to claim additional features of the invention, and respectfully submits that these claims are patentable based on their respective dependencies.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

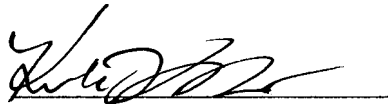
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